IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6346 OF 2006

Shri Sultankhan Rahemankhan Pathan. .. Petitioner.

Vs.

Smt.Kulsumbi Haji Abdul Raheman & Ors. .. Respondents.

Mr.V.S.Talkute for the petitioner.

CORAM : D.B.BHOSALE, J.

DATED : 26TH SEPTEMBER, 2006

P.C.:

. Heard learned counsel for the petitioner.

2. Mr.Talkute, learned counsel for the petitioner submits that he has instructions not to press this writ petition and seek liberty to the petitioner to file appropriate application before the same court which passed the compromise decree as provided for under Order 23 Rule 3 of CPC. He submits that no appeal is maintainable against the order of court recording the compromise or passing a decree in terms of compromise and the only remedy available to the aggrieved party is to make an application before the very same court which passed the decree in terms of the compromise. Having regard to the submissions of Mr.Talkute and the prayer made by him, the writ

petition is disposed of as not pressed with liberty as prayed for. While granting the liberty I shall not be understood to have examined merits of the contentions advanced by Mr.Talkute, learned counsel for the petitioner. If the petitioner files any such application, the same may be considered in accordance with law. The writ petition is disposed of.

(D.B.Bhosale, J.)